

FILED  
IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
CLERK'S OFFICE

2004 NOV -5 P 12:50

BRIAN N. DRAKE,

Petitioner,

v.

UBS FINANCIAL SERVICES INC.,

Respondent.

)  
) The Honorable Robert E. Keeton  
) DISTRICT OF MASS.

) Case No. 04-11426 REK  
)  
)  
)  
)

**STIPULATION AND REQUEST FOR ORDER**

Petitioner Brian N. Drake ("Drake") and Respondent UBS Financial Services Inc. ("UBS"), for their Stipulation and Request for Order, reached after conferring pursuant to L.R. 7.1, hereby request an extension of time to and including November 12, 2004 for UBS to file its Response to Drake's Amended Motion to Vacate Arbitration Award Or, Alternatively, Request for Remand. In support of this Stipulation and Request for Order, the parties state as follows:

1. The parties have previously entered into a number of Stipulations and Requests for Order for Drake to have extensions of time to file an amended Complaint and Application (Motion) to Vacate – the most recent of these requesting an extension to October 8, 2004 for Drake to file his amended Complaint and Application (Motion) to Vacate.

2. Pacer reflects that Drake filed his Amended Motion to Vacate Arbitration Award Or, Alternatively, Request For Remand ("Amended Motion to Vacate") on October 8, 2004. Drake's Certification of Service attached to his Amended Motion to Vacate certifies to service upon respondent on September 7, 2004 via first class mail, postage prepaid.

3. On November 4, 2004, counsel for both parties conferred by telephone and agreed that UBS could have until November 12, 2004 to file its response to Drake's Amended Motion to

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Vacate. Counsel for UBS has had to deal with a number of unanticipated emergency matters this past week that have precluded him from completing UBS's response.

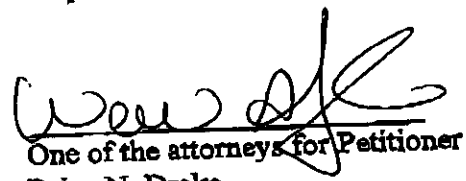
WHEREFORE, Petitioner Brian N. Drake and Respondent UBS Financial Services Inc. respectfully request that the Court enter an Order accepting this Stipulation and entering an order granting UBS an extension of time to and including November 12, 2004 to file its response to Drake's Amended Motion to Vacate Arbitration Award Or Alternatively, Request for Remand.

Respectfully submitted:



One of the attorneys for Respondent  
UBS Financial Services Inc.

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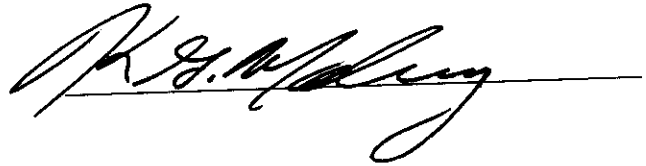
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**Certificate Of Service**

The undersigned hereby certifies that on November 5, 2004, he caused a copy of the foregoing Stipulation and Request for Order to be served upon:

William A. Jacobson  
Shanna L. Pitts  
Law Offices of William A. Jacobson, Inc.  
850 Turks Head Building  
Providence, Rhode Island 02903

by facsimile and placing true copies of same in a properly addressed, postage prepaid envelope and causing that envelope to be deposited in the United States Mail at ~~State~~ <sup>State</sup> ~~Street~~ Boston, Massachusetts.

A handwritten signature in black ink, appearing to read "R. J. Maloney", is written over a horizontal line.